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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,014	04/17/2001	Robert Veilleux	186.013US1	7009

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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,014

Applicant(s)

VEILLEUX ET AL.

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This is a first office action for serial number 09/836014, entitled Structural Wooden Joist, filed on April 17, 2001.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hershey, US Patent # 5,867,963.

Hershey discloses the claimed invention a structural wooden joist (20) comprising an elongated lower chord (24), an elongated upper chord (22) in a spaced apart generally parallel opposed relation to the lower chord (figure 7), an openwork web structure joining the chords, the web structure comprising a series of connector members (28) formed of inclined branches and adhesively secured to the lower and upper chords (column 4, lines 21-26), each branch of the connector members being formed of at least two planks having contiguous sides adhesively joined to one another (column 4, lines 38-44), the connector members defining a series of triangular openings in the web structure (figure 7); each of the connector members at the opposite end of the web structure is adhesively joined to a chord member and to an innermost plank (30A, 30B) of the laminated panel (34A, 34B); the connector members of the web structure have upper and lower edges secured to the chords by finger joints (column 4,

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lines 23-26); the planks (74) of the connector member of the laminated panels are glued edgewise to one another (column 7, lines 4-9); and, the wood is selected from the group including fir, spruce and pine (column 4, lines 13-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hershey in view of Schmitt, Us Patent #, 3,651,612.

Hershey discloses the claimed invention as stated above in claim 1, except for the planks are a series of vertical planks having upper and lower sides joined to upper and lower chords. Schmitt teaches that it is known to have planks formed of a series of elongated vertical planks (15, 21) secured edgewise joined to upper (17) and lower (19) chords. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vertical chords of Schmitt with the web structure of Hershey to further increase the strength of the web structure.

Claim 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hershey in view of Koo et al., Us Patent #, 5,592,880.

Hershey discloses the claimed invention as stated above in claim 1, except for a central region free of connector members in the web structure. Koo teaches that it is known in the art to provide a central region (41) free of connector members (by 12, 14,

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37 and 38 - figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the central region of Koo with the web structure of Hershey in order to allow ductwork to pass through the structure (column 3, lines 38-41).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hershey in view of Schmitt and further in view of Koo.

Hershey discloses the claimed invention as stated above in claim 1, except for a central region being formed of a series of vertical planks secured to one another. Koo teaches the central region (41) as stated above in claim 3, while Schmitt teaches the vertical planks (15, 21) as stated above in claim 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the central region of Koo and the vertical planks of Schmitt with the web structure of Hershey in order to further strengthen the structure as well as allowing ductwork to pass through the structure.

Claims 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hershey.

Hershey discloses the claimed invention as stated above in claim 1, except for the planks are made of kiln dry wood, the fibers of the planks extend in the longitudinal direction, each connector member extends obliquely at about 35° and 42° relative to the chords for a joist having a height of about 9.25 and 11.25 inches. It would have been obvious to one having ordinary skill in the art that the fibers of the planks extend in the longitudinal direction as the 2x4 extends within the longitudinal direction as well. It

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would have been an obvious matter of design choice to provide the planks of kiln wood and each connector member extends obliquely at about 35° and 42° relative to the chords for a joist having a height of about 9.25 and 11.25 inches, since applicant has not disclosed that this type of wood, the angles of the connector members and the height of the joist solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the type of wood used, the angles of the connector members and the height of the joist of the reference cited.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


cg

April 8, 2002


Carl D. Friedman
Supervisory Patent Examiner
Group 3600